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Attorneys for Defendant APPLE INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant

v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR

**DECLARATION OF HARRY R. S.  
PHILLIPS IN SUPPORT OF APPLE INC.'S  
OBJECTIONS TO SPECIAL MASTER  
RULINGS ON APPLE INC.'S  
PRODUCTIONS OF RE-REVIEWED  
PRIVILEGED DOCUMENTS**

The Honorable Thomas S. Hixson

DECLARATION OF HARRY R. S. PHILLIPS IN  
SUPPORT OF APPLE INC.'S OBJECTIONS TO  
SPECIAL MASTER RULINGS ON APPLE INC.'S  
PRODUCTIONS OF RE-REVIEWED PRIVILEGED  
DOCUMENTS

CASE No. 4:20-cv-05640-YGR

1 I, Harry R. S. Phillips, hereby declare as follows:

2 1. I am an attorney licensed to practice in the District of Columbia, and I was granted *pro*  
3 *hac vice* status in this case on May 12, 2021. *See* Dkt. 645. I am an associate at the law firm Gibson,  
4 Dunn & Crutcher LLP (“Gibson Dunn”), counsel of record for Apple Inc. (“Apple”) in this case. I have  
5 personal knowledge of the facts stated below and, if called as a witness, would testify competently  
6 thereto.

7 2. I have represented Apple in this litigation since 2020.

8 3. I understand that Apple is appealing certain rulings by the Special Masters regarding  
9 Apple’s assertion of the attorney-client privilege and work product protection for certain documents  
10 Apple redacted or withheld in connection with injunction compliance proceedings. I submit this  
11 declaration to provide further information with respect to one of these documents. I refer to the document  
12 by its corresponding Bates number or entry number on Apple’s privilege log in this matter.

13 4. I was closely involved in Apple’s preparation for and presentation at the evidentiary  
14 hearing before this Court in May 2024 regarding Apple’s compliance with the Injunction entered on  
15 September 10, 2021. *See* Dkt. 813.

16 5. Entry No. 1800 (PRIV-APL-EG\_00166278) is a chart showing possible outcomes from  
17 the May 2024 evidentiary hearing, including an assessment of the likelihood of each outcome. I drafted  
18 this document in conjunction with other attorneys at Gibson Dunn and Weil, Gotshal & Manges LLP  
19 (co-counsel in this matter) during the hearing.

20 6. I and others drafted this document for the purpose of providing legal advice and analysis  
21 to Apple regarding the May 2024 evidentiary hearing. This document reflects my and other attorneys’  
22 legal judgment and mental impressions about the evidentiary hearing, including the likely and possible  
23 outcomes.

24 7. It is my view that this document was created and transmitted for the primary and  
25 predominant purpose of advising my client in connection with ongoing litigation.

26 8. I confirmed that this document was sent by me to Apple on May 29, 2024 and posted on

1 Box (a file-share system used by Apple) the same day.

2  
3 I declare under penalty of perjury under the laws of the United States of America that the foregoing is  
4 true and correct.

5 Dated: February 18, 2025

Respectfully submitted,

6  
7 By:  \_\_\_\_\_

8 Harry R. S. Phillips  
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